

CAUSE NO. A-920.961-SC(19)

OSCAR KELLEY BELL, ET AL	§	IN THE DISTRICT COURT OF
	§	
Vs:	§	ORANGE COUNTY, TEXAS
	§	
DRESSER INDUSTRIES, INC, FORMERLY	§	
A SUCCESSOR IN INTEREST TO HARBISON-	§	
WALKER REFRACTORIES COMPANY, ET AL	§	128 TH JUDICIAL DISTRICT

ORDER

On the 27th day of August, 2001, came on to be heard Defendant, Dresser Industries, Inc.'s motion to strike the testimony of Dr. William Longo. The court, having conducted an evidentiary hearing pursuant to the Texas Supreme Court's opinion in *E.I. du Pont de Nemours, Inc. v. Robinson* and its progeny, enters the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Dr. William Longo possesses sufficient qualifications to testify in court as an expert with regard to his knowledge in the field of materials analysis and the results of his studies in the field of materials analysis and the measurement of airborne asbestos.
2. The experimental studies of Dr. Longo can be tested.
3. The techniques involved in the studies of Dr. Longo do not rely upon his subjective interpretation.
4. The use of the Transmission Electron Microscope (TEM) to make measurements of airborne asbestos is scientifically valid and reliable.
5. The use of the indirect method of sample preparation before undertaking TEM analysis is scientifically valid and reliable.
6. The use of Tyndall lighting is scientifically valid and reliable.

7. The use of Phase Contrast Microscopy (PCM) as outlined by Dr. Longo and used in his studies is scientifically valid and reliable.
8. The theories, practices and methodologies involved in the studies of Dr. Longo have been subjected to peer review and publication.
9. The potential rate of error involved in the studies of Dr. Longo is acceptable.
10. The underlying theories and techniques involved in the studies of Dr. Longo have been generally accepted as valid by the relevant scientific community.
11. The studies generated by Dr. Longo have non-judicial applications.
12. The testimony of Dr. Longo consists of scientific knowledge.
13. The testimony of Dr. Longo will assist the trier of fact to understand the evidence and to determine fact issues.

CONCLUSIONS OF LAW

1. Dr. Longo is qualified to testify as an expert witness in Court.
2. The underlying scientific techniques and principles in the experiments studies of Dr. Longo are reliable.
3. The underlying scientific techniques and principals in the experimental studies of Dr. Longo are relevant to this case, which involves issues of product liability, negligence, and damages arising from alleged exposure to asbestos from working with particular products.
4. The testimony of Dr. Longo which was the subject of this hearing, and which involved experiment studies on airborne asbestos from working with particular products, is admissible.

Signed this 4th day of Sept., 2001.


JUDGE PRESIDING